

Assembly Bill No. 2958

Passed the Assembly May 13, 1996

Chief Clerk of the Assembly

Passed the Senate July 1, 1996

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1996, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 7028 and 7028.9 of the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2958, Harvey. Contractors: unlicensed activity: statutes of limitation.

The Contractors' State License Law provides that it is a misdemeanor for any person to engage in the business or act in the capacity of a contractor without having a license. A prosecution for a violation must be commenced within 3 years of the date of the contract, completion, or abandonment of the work, as specified. Existing law also provides for administrative citations to be issued by the Contractors' State License Board, within 3 years of the act or omission that is the basis for the citation.

This bill would extend the period of time within which prosecutions may be commenced or administrative citations issued from 3 to 4 years. The bill would also provide that this statute of limitation applies to prosecution of bid activity by an unlicensed contractor.

The people of the State of California do enact as follows:

SECTION 1. Section 7028 of the Business and Professions Code is amended to read:

7028. (a) It is a misdemeanor for any person to engage in the business or act in the capacity of a contractor within this state without having a license therefor, unless such person is particularly exempted from the provisions of this chapter.

(b) If such a person has been previously convicted of the offense described in this section, the court shall impose a fine of 20 percent of the price of the contract under which the unlicensed person performed contracting work, or four thousand five hundred dollars (\$4,500), whichever is greater, or imprisonment in the



county jail for not less than 10 days nor more than six months, or both.

(c) In the event the person performing the contracting work has agreed to furnish materials and labor on an hourly basis, “the price of the contract” for the purposes of this section means the aggregate sum of the cost of materials and labor furnished and the cost of completing the work to be performed.

(d) Notwithstanding any other provision of law to the contrary, an indictment for any violation of this section by the unlicensed contractor shall be found or an information or complaint filed within four years from the date of the contract proposal, contract, completion, or abandonment of the work, whichever occurs last.

SEC. 2. Section 7028.9 of the Business and Professions Code is amended to read:

7028.9. A citation under Section 7028.7 shall be issued by the registrar within four years after the act or omission that is the basis for the citation.

Approved _____, 1996

Governor

